

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

UNITED STATES OF AMERICA

*

v.

*

Criminal No.: GLR-21-0231

*

RAUL ZERMANO-MENA

* * * * *

**APPEAL OF DENIAL OF DEFENDANT'S PRE-TRIAL RELEASE AND REQUEST
FOR DE NOVO HEARING**

Now comes Raul Zermano-Mena, by and through undersigned counsel, and respectfully notes his appeal of Magistrate Judge Karen L. Stevenson's denial of his pre-trial release, respectfully requests a de novo hearing on this matter and states as follows:

1. On December 9, 2021, Mr. Zermano-Mena had his initial appearance and pled guilty before the Honorable George L. Russell to violating 21 U.S.C. 846. He was released from custody to that of the DEA with various conditions of release. He is currently scheduled to be sentenced on January 20, 2023.
2. On June 3, 2022, Mr. Zermano-Mena was shot and hospitalized near Los Angeles, California. He remained in intensive care until his scheduled release later that month. Much to his surprise, the Government sought and obtained an arrest warrant for allegedly violating his conditions of release during his hospitalization. He remained hospitalized in California, too sick to be transported to court, under a Rule 5 initial appearance was held on July 1, 2022. At that time, Magistrate Judge Karen L. Stevenson ordered Mr. Zermano-Mena detained without appropriate consideration of any factors under 18 USC §3142. Mr. Zermano-Mena remains in California, in marshals' custody at a convalescent home, without the ability to communicate with his family.

3. Mr. Zermano-Mena contends that there is a veritable defense to these allegations and that conditions of release would be appropriate in this matter. More importantly, it seems dangerous to Mr. Zermano-Mena's health to transport him to Baltimore. Counsel has conferred with Mr. Zermano-Mena's wife, Karina Mena, and she is willing to serve as Mr. Zermano-Mena's third-party custodian if required by the Court. She had schedule at-home nurse care prior to Mr. Zermano-Mena's arrest and is able to reschedule that service so all of his physical health needs can be met. Mr. Zermano-Mena submits that with this stringent condition of release, any concerns the Court or Government may have about public safety or non-appearance would be allayed.

4. Mr. Zermano-Mena respectfully believe that this matter is now ripe for a De Novo hearing, and it is requested that the same be held at the next available date.

WHEREFORE, Mr. Zermano-Mena respectfully appeals Magistrate Judge Stevenson's decision on detention and requests that a de novo hearing be scheduled before United States Judge George L. Russell.

Respectfully submitted,

_____/s_____
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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of August, 2022, a copy of the foregoing Appeal and Request was electronically filed and notice thereby given to Joan Mathias, Assistant United States Attorney.

/s/

Christopher C. Nieto, Esq.
Attorney for Mr. Zermano-Mena